



UNITED STATES PATENT AND TRADEMARK OFFICE

A

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/084,154 | 02/28/2002 | Christiane Foertsch | 32860-000280/US | 4901 |

30596 7590 09/21/2005

HARNESS, DICKEY & PIERCE, P.L.C.
P.O.BOX 8910
RESTON, VA 20195

EXAMINER

ORTIZ RODRIGUEZ, CARLOS R

ART UNIT PAPER NUMBER

2125

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/084,154

Applicant(s)

FOERTSCH ET AL.

Examiner

Carlos Ortiz-Rodriguez

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☒ Claim(s) 1-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/03/02 & 9/13/02.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

1. Claims 1-31 would be allowable if rewritten or amended to overcome the respective rejection(s) under 35 U.S.C. 101 and 35 U.S.C. 112, 1st and 2nd paragraph, set forth in this Office action.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 1-21 are rejected under 35 U.S.C. 101.

Regarding claims 1-10 are rejected under 35 U.S.C. 101 because the language of the claims raise a question as to whether the claims are directed merely to a descriptive computer program/function/code. The term "computer-supported project planning tool" is being interpreted as a program. The description or expressions of a computer program/functions/codes are not physical "things". The descriptive material is not recorded on some computer-readable medium that, when executed, causes a computer to perform said computer program/functions/codes.

Regarding claims 11-21 are rejected under 35 U.S.C. 101 because the language of the claims are directed to non-statutory subject matter. The description or expressions of a computer program/functions/codes are not physical "things". The descriptive material is not recorded on some computer-readable medium that, when executed, causes a computer to perform said computer program/functions/codes.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 1-21 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claim 1-21, the specification does not describe, in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, how to receive a selection by a user of the project planning tool, of at least one catalog including a number of standard descriptions of elements whose standard descriptions cannot be changed by the user and to which a first description priority number is assigned. Furthermore, the specification does not describe, in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, how to receive a specified at least one further description of the project planning tool. Furthermore, the specification does not describe, in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, how to assign an installation priority number.

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 22-31 are rejected under 35 U.S.C. 112, second paragraph.

Regarding claims 22-32 rejected as being incomplete for omitting essential elements, such omission amounting to gap between the elements. The omitted elements are elements for "permitting".

Citation of Pertinent Prior Art

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to computer-supported project planning tool, apparatus, and method of use thereof:

- a. U.S. Pat. No. 4,984,155 to Geier et al., which discloses order entry system having catalog assistance.
- b. U.S. Pat. No. 5,331,545 to Yajima et al., which discloses system and method for planning support.
- c. U.S. Pat. No. 5,671,360 to Hambrick et al., which discloses project management tool implementing authority for a people oriented work environment tool.
- d. U.S. Pat. No. 6,226,561 to Tamaki et al., which discloses production planning system.
- e. U.S. Pat. No. 6,334,115 to Kuribayashi et al., which discloses component electronic catalog.

f. U.S. Pat. No. 6,615,166 to Guheen et al., which discloses prioritizing components of a network framework required for implementation of technology.

g. U.S. Pat. No. 6,836,766 to Gilpin et al., which discloses rule based configuration engine for a database.

The following publications are cited to further show the state of the art with respect to computer-supported project planning tool, apparatus, and method of use thereof:

h. U.S. Pat. No. 2002/0057018 to Branscomb et al., which discloses network device power distribution scheme.

i. U.S. Pat. No. 2002/0087423 to Carbrey Palango et al., which discloses system builder for building electronics systems.

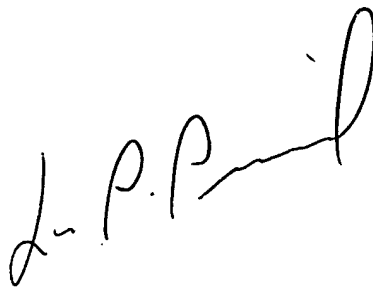
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Ortiz-Rodriguez whose telephone number is (571) 272-3747. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P. Picard can be reached on (571) 272-3749. The central official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the general information number at 800-786-9199.

Art Unit: 2125

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'C. Ortiz-Rodriguez', written in a cursive style.

Carlos Ortiz-Rodriguez
Patent Examiner
Art Unit 2125

cror

September 16, 2005

LEO PICARD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100